

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1542

IN THE MATTER OF:

Served April 28, 1976

Application of CENTRAL DELIVERY)
SERVICE OF WASHINGTON, INC., for)
Certificate of Public Convenience)
and Necessity to Perform Charter)
Operations Pursuant to Contract)

Application No. 935

Docket No. 324

By Application No. 935, filed April 20, 1976, Central Delivery Service of Washington, Inc. (Central) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contract. Central seeks authority to transport persons travelling on official government business, over irregular routes, between the NRC office in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland, the NRC office in the East West Towers, 4350 East West Highway, Bethesda, Maryland, the NRC office in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, and the NRC office at 5650 Nicholson Lane, Rockville, Maryland.

The transportation service would be performed pursuant to a contract between the United States Nuclear Regulatory Commission (NRC) and Central. The contract is for a one-year period from March 30, 1976, through March 29, 1977, with an NRC option to extend for another one-year period upon 30-days written notice of the renewal. Scheduled shuttle service would be provided between the foregoing points on a daily basis except Saturdays, Sundays, and government holidays. The contract provides for two schedules. Additional service on these schedules may be requested by NRC.

The contract sets forth a flat rate per round-trip and a per capita fare for the passenger shuttle service. However, Central has indicated that it will not perform any transportation of individuals on a per capita fare basis. Rather, the payments would be made by NRC on a flat rate per round-trip basis pursuant to the provisions of the contract. Central would render the proposed shuttle service in vans with 15-passenger seating capacity.

Central currently holds Certificate of Public Convenience and Necessity No. 23. That certificate authorizes the performance of special operations, over irregular routes, between the Atlantic Terminal, located between Martin Luther King, Jr., Avenue and South Capitol Street, in the

District of Columbia, on the one hand, and on the other, points in that part of the District of Columbia, east of Interstate Highway 295, south of Portland Street, and west of 13th Street, S. E., restricted to the performance of such transportation in 8 to 15 passenger vehicles only, including the driver. The certificate also authorizes the performance of charter operations pursuant to separate contracts with American Airlines and United Airlines, over irregular routes, between Dulles International Airport or Washington National Airport, on the one hand, and on the other, the District of Columbia, limited to aircraft crews having a prior or subsequent movement by air.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Central shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The Commission shall require Central to submit and be prepared to support with competent witnesses the following exhibits:

- (A) A detailed balance sheet of Central as of December 31, 1975.
- (B) A detailed income statement of Central for a period ended December 31, 1975.
- (C) A statement projecting revenues and revenue deductions, allocated between the contract with NRC and other operations, for a one-year period, together with supporting details.

Central shall be directed to file six (6) copies of the exhibits required hereinbefore with the Commission and serve one copy on each party of record on or before Wednesday, June 9, 1976. Central shall be prepared to present evidence that public convenience and necessity require the proposed service.

As part of the application for permanent authority, Central states that there is an immediate and urgent need for the proposed service. Central also states that the contract with NRC has been signed and that the shuttle service has been commenced.

The Commission may, in its discretion and without hearing or other proceedings, authorize a carrier to provide a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). The Commission finds that persons travelling on official government business have an immediate and urgent need for transportation between the NRC office in the Willste Building, the NRC office in the East West Towers, the NRC office in the Phillips Building, and the NRC office in Rockville, Maryland. Accordingly, the Commission shall grant Central temporary authority pending a decision on the application for a certificate of public convenience and necessity. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

1. That Application No. 935 of Central Delivery Service of Washington, Inc., be, and it is hereby, scheduled for public hearing to commence Monday, June 14, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.
2. That Central Delivery Service of Washington, Inc., publish in a newspaper of general circulation in the Metropolitan District and post in each of its vehicles notice of the application and hearing in the form prescribed by the staff of the Commission no later than Wednesday, May 19, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.
3. That six (6) copies, the original to be submitted at the hearing, of the exhibits required hereinbefore be filed by Central Delivery Service of Washington, Inc., with the Commission and one copy served on each party of record on or before Wednesday, June 9, 1976.
4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, June 4, 1976, and shall mail a copy of such protest or such notice to counsel of record, Jeremy Kahn, Esquire, Suite 733 Investment Building, Washington, D. C. 20005.
5. That Central Delivery Service of Washington, Inc., be, and it is hereby, granted temporary authority to transport persons travelling on official government business, over irregular routes, between the NRC office in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland,

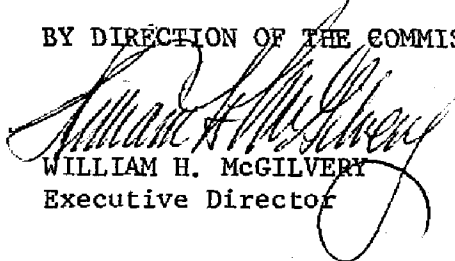
the NRC office in the East West Towers, 4350 East West Highway, Bethesda, Maryland, the NRC office in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, and the NRC office at 5650 Nicholson Lane, Rockville, Maryland, pursuant to contract with the United States Nuclear Regulatory Commission.

6. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective April 28, 1976, and shall remain in effect through October 24, 1976.

7. That Central Delivery Service of Washington, Inc., be, and it is hereby, required to file an appropriate tariff pursuant to the temporary authority granted herein to be effective April 28, 1976.

8. That Central Delivery Service of Washington, Inc., be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before Wednesday, June 9, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVER
Executive Director